

MANDATE

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT  
 THURGOOD MARSHALL U.S. COURT HOUSE  
 40 FOLEY SQUARE, NEW YORK, N.Y. 10007

Catherine O'Hagan Wolfe  
 CLERK OF COURT

Date: 5/9/08

Docket Number: 08-2133-dr

Short Title: Bottone v. United States of America

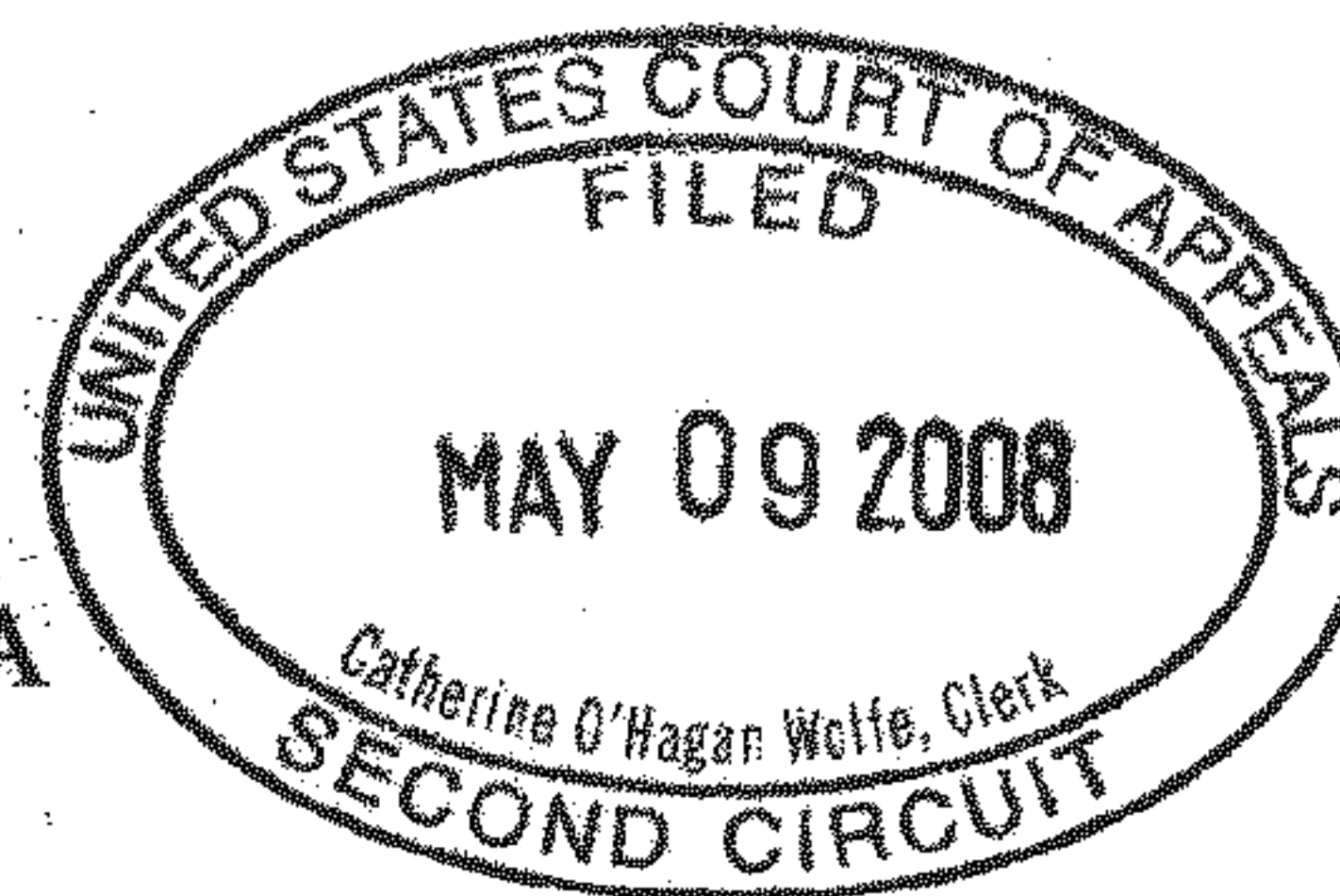
DC Docket Number: 08-cv-3229

DC: SDNY (NEW YORK CITY)

DC Judge: Honorable Kimba Wood

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 9th day of May, two thousand eight.

BOTTONE v UNITED STATES OF AMERICA



A notice of appeal having been filed from an order denying relief in a application brought under the provisions of 28 U.S.C. Section 2255, and it appearing that the file of the proceedings does not contain either a certificate of appealability or a denial thereof, it is **ORDERED** that said appeal be, and it hereby is **DISMISSED** without prejudice to the appeal being reinstated upon notice to the Clerk within 30 days from the entry of an order by the district judge granted or denying a certificate of appealability. Any motions pending prior to the entry of this order of dismissal are deemed **MOOT**.

In accordance with Rule 22(b) of the Federal Rules of Appellate Procedure, and Second Circuit Rule 22a, petitioner-appellant are hereby directed to promptly move for a certificate of appealability in the district court.

For the Court:  
 Catherine O'Hagan Wolfe, Clerk

By: Tammy Martinez  
 Tammy Martinez, Deputy Clerk

A TRUE COPY  
 Catherine O'Hagan Wolfe, Clerk  
 by Tammy Martinez  
 DEPUTY CLERK

CERTIFIED: